



## **FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS**

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The Committee on Model Criminal Jury Instructions has adopted the following amended model criminal jury instruction, effective July 2017.

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### **ADOPTED**

The Committee has adopted amendments to M Crim JI 27.3 for use where a violation of MCL 750.175 (the statute for embezzlement by public officials) is charged, effective July 1, 2017.

#### **[AMENDED] M Crim JI 27.3 Embezzlement by a Public Official**

(1) The defendant is charged with the crime of embezzlement by a public official. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant either held public office or was the agent or employee<sup>1</sup> of a public official.<sup>2</sup>

(3) Second, that the defendant received [money / property] in [his / her] official capacity or employment.

(4) Third, that the defendant knew that the [money / property] was received by [him / her] in [his / her] official capacity or employment, and was not received for [his / her] personal use.

(5) Fourth, that the defendant used the [money / property] for [himself / herself] or provided it to any other person for [his / her] use.

(6) Fifth, that [the property was worth \$50 or more / more than \$50 was involved].

#### *Use Note*

<sup>1</sup> The statute makes reference to a “servant” of a public official. That term is no longer commonly used, so the word “employee” has been substituted.

<sup>2</sup> The terms “agent” and “public official” are defined in M Crim JI 22.5 and 22.19, respectively.